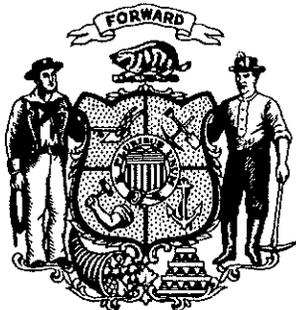


State of Wisconsin



2015 Senate Bill 21

Date of enactment: July 12, 2015
Date of publication*: July 13, 2015

2015 WISCONSIN ACT 55

(Vetoed in Part)

AN ACT; relating to: state finances and appropriations, constituting the executive budget act of the 2015 legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2. 5.15 (1) (c) of the statutes is amended to read:

5.15 (1) (c) The wards established by municipal governing bodies in a division ordinance or resolution enacted or adopted under this section shall govern the adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1 of the 2nd year commencing after the year of the census until revised under this section on the basis of the results of the next decennial census of population unless adjusted under sub. (2) (f) 4. or 5., (6) (a), or (7), or unless a division is required to effect an act of the legislature redistricting legislative districts under article IV, section 3, of the constitution or redistricting congressional districts. The populations of wards under each decennial ward division shall be determined on the basis of the federal decennial census and any official corrections to the census issued on or before the date of adoption of the division ordinance or resolution to reflect the correct populations of the municipality and the blocks within the municipality on April 1 of the year of the census.

SECTION 3. 5.15 (2) (f) 5. of the statutes is created to read:

5.15 (2) (f) 5. Territory that lies between an actual municipal boundary that existed on April 1 of the year of a federal decennial census and an intersecting municipal boundary that deviates from the actual municipal boundary on that date if the deviating boundary was used by the U.S. bureau of the census to enumerate the population of the municipality in that census.

SECTION 4. 5.15 (4) (b) of the statutes is amended to read:

5.15 (4) (b) Within 5 days after adoption or enactment of an ordinance or resolution under this section or any amendment thereto, the municipal clerk shall transmit one copy of the ordinance or resolution or the amendment to the county clerk of each county in which the municipality is contained, accompanied by the list and map specified in par. (a). ~~If the population of the municipality exceeds 10,000, the municipal clerk shall furnish one copy to the legislative reference bureau at the same time.~~ Each copy shall identify the name of the municipality and the county or counties in which it is located.

SECTION 5. 5.15 (4) (bg) of the statutes is created to read:

5.15 (4) (bg) No later than October 15 of each year following the year of a federal decennial census, each municipal clerk shall file a report with the county clerk of each county in which the municipality is contained confirming the boundaries of the municipality and of all wards in the municipality. The report shall be accompa-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

49.682 (2) (bm) 2. There is a presumption, consistent with s. 766.31, which may be rebutted, that all property in the estate of the nonclient surviving spouse was marital property held with the client and that 100 percent of the property in the estate of the nonclient surviving spouse is subject to the department's claim under par. (a) or (am).

SECTION 1823. 49.682 (2) (c) (intro.) of the statutes is amended to read:

49.682 (2) (c) (intro.) The court shall reduce the amount of a claim under par. (a) or (am) by up to the amount specified in s. 861.33 (2) if necessary to allow the decedent's heirs or the beneficiaries of the decedent's will to retain the following personal property:

SECTION 1824. 49.682 (3) of the statutes is amended to read:

49.682 (3) The department shall administer the program under this section and may contract with an entity to administer all or a portion of the program, including gathering and providing the department with information needed to recover payment of aid provided under s. 49.68, 49.683, or 49.685, or 49.785. All funds received under this subsection, net of any amount claimed under s. 49.849 (5), shall be remitted for deposit in the general fund.

SECTION 1825. 49.682 (4) (a) of the statutes is amended to read:

49.682 (4) (a) The department may recover amounts under this section for the provision of aid provided under s. 49.68, 49.683, or 49.685 paid on and after September 1, 1995, and for the provision of aid provided under s. 49.785 paid on or after the effective date of this paragraph ... [LRB inserts date].

SECTION 1826. 49.682 (4) (b) of the statutes is amended to read:

49.682 (4) (b) The department may file a claim under sub. (2) (a) only with respect to a client who dies after September 1, 1995. The department may file a claim under sub. (2) (am) only with respect to a client who dies after the effective date of this paragraph ... [LRB inserts date].

SECTION 1827. 49.682 (5) of the statutes is amended to read:

49.682 (5) The department shall promulgate rules establishing standards for determining whether the application of this section with respect to a claim under sub. (2) (a) would work an undue hardship in individual cases. If the department determines that the application of this section with respect to a claim under sub. (2) (a) would work an undue hardship in a particular case, the department shall waive application of this section in that case.

SECTION 1830. 49.78 (5) of the statutes is amended to read:

49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain qualifications of applicants in any county department administering aid to families with

dependent children shall be given by the ~~administrator of the division~~ director of the bureau of merit recruitment and selection in the ~~office of state employment relations department of administration~~. The ~~office of state employment relations department of administration~~ shall be reimbursed for actual expenditures incurred in the performance of its functions under this section from the appropriations available to the department of children and families for administrative expenditures.

SECTION 1831. 49.785 (1m) (d) of the statutes is created to read:

49.785 (1m) (d) If the recipient, or the recipient's spouse or another person, owns a life insurance policy insuring the recipient's life and the face value of the policy is more than \$3,000, any amount that the department would be obligated to pay under sub. (1) shall be reduced by one dollar for every dollar by which the face value of the policy exceeds \$3,000.

SECTION 1831p. 49.785 (1r) of the statutes is created to read:

49.785 (1r) A funeral home, cemetery, or crematorium that receives payment under sub. (1) shall be exempt from paying any of the following fees:

(a) Fees for services rendered by a coroner.

(b) Fees assessed for the signing of a death certificate by a coroner or medical examiner.

(c) Fees assessed by a county related to transportation services.

SECTION 1832. 49.785 (2) of the statutes is created to read:

49.785 (2) The department shall pursue recovery of any amounts paid under sub. (1) from the estate of the recipient and from the estate of any surviving spouse or former spouse of the recipient as provided in ss. 49.682 and 49.849.

SECTION 1832p. 49.79 (1m) of the statutes is created to read:

49.79 (1m) WELFARE RECIPIENT. An individual who is a recipient under the food stamp program is considered to be a welfare recipient for purposes of 21 USC 862b.

SECTION 1832r. 49.79 (7c) of the statutes is created to read:

49.79 (7c) REDUCTION OF BENEFITS TO PAY COST OF REPLACEMENT CARDS. (a) If a recipient under the food stamp program requests replacement of a lost or stolen electronic benefit transfer card, the department shall deduct from the recipient's benefit account the allowable costs incurred by the state, as determined by the department, to replace the lost or stolen electronic benefit transfer card. Amounts deducted under this paragraph shall be transferred to the appropriation account under s. 20.435 (4) (jd).

(b) The department shall inform the food and nutrition service of the federal department of agriculture of its plan to implement the policy under par. (a). The plan shall specify how the department intends to account for

card replacement fees and shall identify the replacement threshold, frequency, and circumstances in which the fee will be applicable.

SECTION 1833. 49.79 (9) (d) of the statutes is created to read:

49.79 (9) (d) 1. The department shall promulgate rules to develop and implement a drug screening, testing, and treatment policy to screen and, if indicated, test and treat participants in an employment and training program under this subsection who are able-bodied adults for use of a controlled substance without a valid prescription for the controlled substance. The policy shall include at least all of the following elements:

a. Only participants for whom there is a reasonable suspicion of use of a controlled substance without a valid prescription for the controlled substance may be subjected to testing. The policy shall include mechanisms for the determination of a reasonable suspicion to require submission to a drug test.

b. If a participant tests negative for use of a controlled substance, or tests positive for the use of a controlled substance but presents evidence satisfactory to the department that the individual possesses a valid prescription for each controlled substance for which the individual tests positive, the individual will have satisfactorily completed the substance abuse testing requirements under this paragraph.

c. If a participant tests positive for use of a controlled substance for which he or she does not have a valid prescription, then the individual must participate in **state-sponsored** substance abuse treatment to remain eligible for the employment and training program.

d. While participating in **state-sponsored** treatment, an individual who has tested positive for the use of a controlled substance without a valid prescription for the controlled substance shall submit to random testing for the use of a controlled substance, and the test results must be negative, or positive with evidence of a valid prescription, in order for the individual to remain eligible for the employment and training program under this subsection. If a test result is positive and the individual does not have a valid prescription for the controlled substance for which the individual tests positive, the individual may begin treatment again one time and will remain eligible for the employment and training program. If the individual completes treatment and tests negative for use of a controlled substance, or tests positive for the use of a controlled substance but presents evidence satisfactory to the department that the individual possesses a valid prescription for each controlled substance for which the individual tests positive, the individual will have satisfactorily completed the substance abuse screening and testing requirements under this paragraph.

2. Subject to the promulgation of rules under subd. 1., the department shall screen and, if indicated, test and

treat participants in an employment and training program under this subsection who are able-bodied adults for illegal use of a controlled substance without a valid prescription for the controlled substance.

SECTION 1833t. 49.83 of the statutes is amended to read:

49.83 Limitation on giving information. Except as provided under ss. 49.25 and 49.32 (6m), (9), (10), and (10m), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity and medical support liability services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not connected with the administration of the programs, except that the departments of children and families and health services may disclose, including by transmitting or granting access to electronic data, such information, including social security numbers, to the department of revenue for the sole purposes of administering state taxes, including verifying refundable individual income tax credits, and collecting debts owed to the department of revenue. Any person violating this section may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

SECTION 1834b. 49.849 (1) (c) of the statutes is renumbered 49.849 (1) (c) (intro.) and amended to read:

49.849 (1) (c) (intro.) "Nonrecipient surviving spouse" means any of the following:

1. A person who was married to a recipient while when the recipient was receiving or received public assistance and who survived the recipient.

SECTION 1834c. 49.849 (1) (c) 2. of the statutes is created to read:

49.849 (1) (c) 2. A person who was married to a recipient on whose behalf aid under s. 49.785 was provided, who was married to the recipient at the recipient's death or when the recipient was receiving or received any of the benefits described in s. 49.785 (1c) that made the recipient an eligible recipient under s. 49.785, or at both times, and who survived the recipient.

SECTION 1835. 49.849 (1) (e) of the statutes is amended to read:

49.849 (1) (e) "Public assistance" means any services provided as a benefit under a long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV, long-term community support services funded under s. 46.27 (7), or aid under s. 49.68, 49.683, ~~or 49.685, or 49.785.~~

SECTION 1836. 49.849 (2) (a) (intro.) of the statutes is amended to read:

49.849 (2) (a) (intro.) Subject to par. (b), the department may collect from the property of a decedent by affidavit under sub. (3) (b) or by lien under sub. (4) (a) an

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